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9 COUNTY OF MARIN

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 SEAPLANE ADVENTURES, LLC, a California
14 Limited Liability Company

15 Plaintiff,

16 v.

17 COUNTY OF MARIN, CALIFORNIA; AND
18 DOES 1 THROUGH 10, Inclusive,

19 Defendant.

20 Case No.: 20-cv-06222-WHA

21 **DECLARATION OF DEPUTY ROBERT
22 HEILMAN IN SUPPORT OF DEFENDANT
23 COUNTY OF MARIN'S MOTION FOR
24 SUMMARY JUDGMENT**

25 Complaint filed: September 2, 2020

26 Date: October 7, 2021
Time: 8:00 AM
Judge: Honorable William Alsup
Dept: Courtroom 12, 19th Floor

27 I, DEPUTY ROBERT HEILMAN, declare as follows:

28 1. I am employed as a Deputy in the Marin County Sheriff's Office. I submit this declaration in support of the motion for summary judgment submitted by the County of Marin ("County") in this matter. I have personal knowledge of the contents of this declaration, except as to any matters stated on information and belief, and as to those matters, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters set forth in this declaration.

29 2. In July 2020, I was assigned to perform duties including general patrol duties in the area around Sausalito in Marin County, California. On July 2, 2020, I was informed through my chain of

1 command that County had received complaints that two businesses operating at the seaplane base in
2 Sausalito—Seaplane Adventures, LLC and San Francisco Helicopters (“SF Helicopters”—were
3 operating in violation of the terms of the health orders County had issued in response to the COVID-19
4 pandemic by operating recreational sightseeing tours in their aircraft. I was also informed that County
5 had previously communicated with the owner of Seaplane Adventures about the way the health orders
6 restricted his operations, but that Seaplane Adventures had not complied with County’s instructions.

7 3. Later that day, I traveled to the seaplane base with two other officers, Deputy Zachary
8 Schlieff and Sergeant Greg Garrett. When we arrived at the offices at the seaplane base, we made
9 contact with a man sitting at the desk for SF Helicopters who identified himself as a pilot for SF
10 Helicopters. We explained to him that County had taken the position that its tour flight operations were
11 not permitted under the health orders, and that if SF Helicopters continued to operate such flights,
12 County would issue it a citation for each such flight. Deputy Schlieff, Sergeant Garrett, and I were all
13 wearing body-worn cameras during this interaction. I understand that the video footage of this
14 interaction from these three cameras was produced by County Counsel to Plaintiff in this case, in three
15 separate files (one from each of our points of view). I recently reviewed a video file I received from the
16 County Counsel’s office with the filename “Adv.mp4,” which I understand from County Counsel is one
17 of the three files containing body-worn camera footage from this interaction that County produced to
18 Plaintiff. A true and correct copy of Adv.mp4 is attached hereto as Exhibit 13. This footage is a true
19 and accurate depiction of the July 2, 2020 interaction I had at the office of SF Helicopters with the man
20 identifying himself as a pilot for SF Helicopters.

21 4. The office of Seaplane Adventures is located in the same collection of offices as the
22 office of SF Helicopters. No one from Seaplane Adventures was present in its office on July 2, 2020 at
23 the time I visited the office of SF Helicopters. So, I returned to the facility the next day, July 3, 2020.
24 That day, I spoke with a man who identified himself as Aaron Singer, the owner of Seaplane
25 Adventures. In summary, I told Mr. Singer that per the email correspondence Mr. Singer had recently
26 exchanged with County, County had taken the position that Seaplane Adventures’s tour flight
27 operations were not permitted under the health orders, and that if Seaplane Adventures continued to
28 operate such flights, County would issue it a citation for each such flight. As I had done during the
2

1 interaction the previous day with SF Helicopters, I was wearing a body-worn camera during this
2 interaction with Mr. Singer. I understand that the video footage of this interaction from this camera
3 was produced by County Counsel to Plaintiff in this case, in one file. I recently reviewed a video file I
4 received from the County Counsel's office with the filename "Misc_Advisement.mp4," which I
5 understand from County Counsel is the file containing body-worn camera footage from this interaction
6 that County produced to Plaintiff. A true and correct copy of Misc_Advisement.mp4 is attached hereto
7 as Exhibit 14. This footage is a true and accurate depiction of the July 3, 2020 interaction I had with
8 the man identifying himself as Aaron Singer.

9

10 I declare under penalty of perjury under the laws of the State of California that the foregoing is
11 true and accurate to the best of my knowledge

12 Executed on August 27, 2021, in San Rafael, California.

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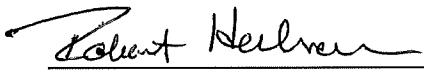
14 By: 
Deputy Robert Heilman #1601

EXHIBIT 13: Adv.mp4

To access video use link below:

<https://www.dropbox.com/s/ze523jzll6yaulo/Adv.mp4?dl=0>

EXHIBIT 14:
Misc_Advisement.mp4

To access video use link below:

https://www.dropbox.com/s/8wgvqrrzstko61f/Misc_Advisement.mp4?dl=0